

Cheshire Brine Pumping (Compensation for Subsidence) Act 1964

CHAPTER x

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ELIZABETH II



1964 CHAPTER x

An Act to amend the Cheshire Brine Pumping (Compensation for Subsidence) Act, 1952; and for other purposes. [10th June 1964]

WHEREAS—

(1) By a Provisional Order made under the Brine Pumping (Compensation for Subsidence) Act, 1891, and confirmed by the Brine Pumping (Compensation for Subsidence) Provisional Order Confirmation Act, 1896, provision was made for the formation of a compensation district comprising the urban district of Northwich and part of the rural district of Northwich contiguous therewith and for the establishment of a Compensation Board with the name of " the Northwich Salt Compensation Board ":

(2) By the Cheshire Brine Pumping (Compensation for Subsidence) Act, 1952 (hereinafter referred to as " the Act of 1952 "), there was formed a compensation district comprising the borough of Crewe, the urban districts of Alsager, Knutsford, Lymm, Middlewich, Northwich, Sandbach and Winsford, the rural districts of Bucklow, Congleton, Nantwich and Northwich and parts of the rural districts of Macclesfield and Runcorn and there was established a Compensation Board with the name of " the Cheshire Brine Subsidence Compensation Board " (hereinafter referred to as " the Compensation Board ") and provision was made for the dissolution of the said Northwich Salt

Compensation Board, for the transfer (subject to the provisions of the said Act) of all property and liabilities of that board to the Compensation Board and for the repeal of the said Act of 1896 and the said Provisional Order:

(3) The Compensation Board was duly constituted and is acting in accordance with the provisions of the Act of 1952 and is thereby empowered to form and maintain a compensation fund for the compensation district formed by the Act of 1952 by a levy of rates on each thousand gallons in respect of all brine pumped or raised from any well, borehole, shaft, spring or mine in the said compensation district and out of the said compensation fund to pay compensation to such extent and subject to such conditions as are in the Act of 1952 prescribed for damage happening within the said compensation district arising from the subsidence of land as a result of the pumping or raising of brine:

(4) It is expedient that the provisions of the Act of 1952 relating to the making and adjudication of claims and the notices to be given to and by the Compensation Board in relation thereto should be amended as in this Act provided:

(5) It is expedient that the powers of the Compensation Board to enter on land, buildings and premises should be varied as in this Act provided:

(6) The purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short and collective titles.

1.—(1) This Act may be cited as the Cheshire Brine Pumping (Compensation for Subsidence) Act 1964.

(2) The Cheshire Brine Pumping (Compensation for Subsidence) Act, 1952, and this Act may be cited together as the Cheshire Brine Pumping (Compensation for Subsidence) Acts, 1952 and 1964.

Interpretation.

2.—(1) In this Act, unless the subject or context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

"the Act of 1952" means the Cheshire Brine Pumping (Compensation for Subsidence) Act, 1952;

and any expression used in this Act and in the Act of 1952 has the same meaning in this Act as in that Act.

(2) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment, including this Act.

3. For section 30 (Claims for compensation) of the Act of 1952 there shall be substituted the following section:— Claims for compensation.

"Claims for compensation.

30.—(1) Any person who alleges the following matters, that is to say:—

(i) that any damage for which compensation may be made under this Act has been caused to any property by subsidence of the same or of any other land and that the subsidence is the result of the pumping or raising of brine and has happened after the passing of the Act of 1891; and

(ii) that he has such title to or interest in the property so damaged or some part thereof as would entitle him to recover in respect of such damage if the same had been caused by the wrongful excavation by any other person of strata underlying or supporting such property;

and who, or whose predecessor in title, within six months after the date on which such damage became apparent has given notice in writing of such damage to the Compensation Board, or, in the case of damage to property within the existing compensation district which became apparent before the appointed day, to the existing board, or (if the property was situate outside the existing compensation district) to the sanitary authority under the provisions of section 23 of the Act of 1891, may send in to the Compensation Board a claim for such damage to the extent of his title or interest:

Provided that where notice of damage has been duly given to the Compensation Board under this subsection, the Compensation Board may, if it thinks fit, dispense with the giving of any subsequent notice or notices in respect of any further damage caused to the property in respect of which such first-mentioned notice was given.

(2) Any person who has made, or intends to make, a claim under this section shall give to the Compensation Board notice in writing before any repairs of the property to which the claim relates are carried out.

(3) Where the relevant title or interest is sold or otherwise disposed of together with the benefit of any claim under this section the purchaser or person to whom the relevant title or interest is transferred shall give to the Compensation Board notice in writing of such sale or disposal.

(4) The Compensation Board may from time to time by regulations prescribe—

(i) the form of any notice to be given under subsection (1) of this section;

(ii) the form of any claim to be made under this section and the time and manner in which any such claim shall be made;

(iii) the form of any notice to be given under subsection (2) of this section and the time within which any such notice is to be given;

(iv) the form of any notice to be given under subsection (3) of this section.

(5) (*a*) No claim shall be allowed with respect to any damage of which the prescribed notice shall not have been given and the prescribed claim has not been made nor in respect of which the provisions of any regulations made by the Compensation Board under subsection (4) of this section (unless dispensed with for cause which the Compensation Board shall deem reasonable and sufficient) are not observed.

(*b*) The Compensation Board shall not be required to have regard to any sale or disposal of the benefit of a claim under this section in respect of which the prescribed notice has not been given nor in respect of which the provisions of any regulations made by the Compensation Board under subsection (4) of this section (unless dispensed with as aforesaid) are not observed.

(6) The Compensation Board shall once or oftener in each year publish a notice in one or more local newspapers circulating in the compensation district requiring all claims intended to be made under this Act to be sent in to the Compensation Board and requiring such claims to be so sent in within a time to be named in such notice.

(7) The Compensation Board shall give to each claimant by registered post or recorded delivery service

not less than fourteen days' notice of the day on which the Compensation Board intends to proceed to adjudicate on his claim and shall at the same time give in like manner to every brine pumper within the compensation district notice of any claim exceeding one thousand pounds specifying in such notice the name of the claimant, the amount claimed and the property in respect of which the claim is made.

(8) The Compensation Board shall on the day appointed for adjudication and on any subsequent day or days appointed by them for the purpose consider all claims duly made and which have not been previously adjudicated on and shall so far as they think practicable and convenient adjudicate thereon in such manner as they shall think fit and allow or disallow all such claims or any items thereof and shall give notice in writing to the claimant of such adjudication or by agreement with the claimant may refer any claim to the Lands Tribunal as arbitrator.

(9) If in the case of any claim no such adjudication is made and no such agreement is entered into within six months after the day appointed as aforesaid for adjudication of the claim or the claimant within one month after receiving notice in writing of an adjudication on the claim gives notice in writing to the Compensation Board that he objects to such adjudication the claimant may if he thinks fit within three months after the expiration of such period of six months or one month (as the case may be) and after giving notice in writing to the Compensation Board refer the claim to the Lands Tribunal as arbitrator.

(10) In this section—

(*a*) the expression ' the date on which such damage became apparent ' means the date on which the damage first became apparent to a person who then had the relevant title or interest or the date on which it would have first become apparent to that person if he had been reasonably observant;

(*b*) the expression ' the relevant title or interest ' means such title or interest as is referred to in subsection (1) (ii) of this section being the title or interest in respect of which a claim is made under this section."

Amendment of section 54 of Act of 1952.

4. Section 54 (Power of entry) of the Act of 1952 shall have effect as if in subsection (1) thereof after the words " in respect of which " there were inserted the words " any notice of damage has been given or ".

Costs of Act.

5. All costs, charges and expenses preliminary to and of and incidental to the preparing for, obtaining and passing of this Act shall be paid by the Compensation Board out of the compensation fund as part of the expenses of the Compensation Board.

Table of Statutes referred to in this Act

Short title	Session and chapter
Brine Pumping (Compensation for Subsidence) Act, 1891	54 & 55 Vict. c. 40.
Brine Pumping (Compensation for Subsidence) Provisional Order Confirmation Act, 1896	59 & 60 Vict. c. iv.
Cheshire Brine Pumping (Compensation for Subsidence) Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. xlii.

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